

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 51481

STATE OF IDAHO, )  
 )  
 ) **Filed: December 31, 2024**  
 )  
 ) **Plaintiff-Respondent,** )  
 ) **Melanie Gagnepain, Clerk**  
 v. )  
 ) **THIS IS AN UNPUBLISHED**  
 ) **RUSSELL ALLEN MERRIFIELD, JR.,** ) **OPINION AND SHALL NOT**  
 ) **BE CITED AS AUTHORITY**  
 ) **Defendant-Appellant.** )  
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Appeal from the District Court of the First Judicial District, State of Idaho, Boundary County. Hon. Lamont C. Berez, District Judge. Hon. Justin W. Julian, Magistrate.

Decision of the district court, on intermediate appeal from the magistrate court, affirming the judgment of conviction and a unified term of one hundred and eighty days, with a minimum period of confinement of ninety days, for driving under the influence, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Jenny C. Swinford, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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Before GRATTON, Chief Judge; LORELLO, Judge  
and TRIBE, Judge

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PER CURIAM

Russell Allen Merrifield, Jr. appeals from the decision of the district court, on intermediate appeal from the magistrate court, affirming Merrifield’s judgment of conviction and sentence. Merrifield pled guilty to misdemeanor driving under the influence. Idaho Code § 18-8004. The magistrate court sentenced Merrifield to a unified term of one hundred and eighty days, with a minimum period of confinement of ninety days. Merrifield appeals, arguing that his sentence is excessive.

For an appeal from the district court, sitting in its appellate capacity over a case from the magistrate court, we review the record to determine whether there is substantial and competent evidence to support the magistrate court's findings of fact and whether the magistrate court's conclusions of law follow from those findings. *State v. Korn*, 148 Idaho 413, 415, 224 P.3d 480, 482 (2009). However, as a matter of appellate procedure, our disposition of the appeal will affirm or reverse the decision of the district court. *State v. Trusdall*, 155 Idaho 965, 968, 318 P.3d 955, 958 (Ct. App. 2014). Thus, we review the magistrate court's findings and conclusions, whether the district court affirmed or reversed the magistrate court and the basis therefor, and either affirm or reverse the district court. Appellate review of a sentence is based on an abuse of discretion standard. *State v. Burdett*, 134 Idaho 271, 276, 1 P.3d 299, 304 (Ct. App. 2000). When a trial court's discretionary decision is reviewed on appeal, the appellate court conducts a multi-tiered inquiry to determine whether the lower court: (1) correctly perceived the issue as one of discretion; (2) acted within the boundaries of such discretion; (3) acted consistently with any legal standards applicable to the specific choices before it; and (4) reached its decision by an exercise of reason. *State v. Herrera*, 164 Idaho 261, 270, 429 P.3d 149, 158 (2018).

The district court applied the correct legal standards in reviewing Merrifield's challenge to the sentence imposed by the magistrate court. The decision of the district court, on intermediate appeal from the magistrate court, affirming Merrifield's judgment of conviction and sentence, is affirmed.